

BOARD OF APPEALS CASE NO. 5085

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BEFORE THE

APPLICANTS: Mr. & Mrs. Parry Jones

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a porch within
the required front yard setback;
920 Aldino-Stepney Road, Aberdeen**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 9/13/00 & 9/20/00

HEARING DATE: October 16, 2000

Record: 9/15/00 & 9/22/00

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Mr. And Mrs. Parry Jones, are seeking a variance pursuant to the provisions of Harford County Code Section 267-34C, Table II and Section 267-23C(1)(a)(2) to construct a porch within the 47 foot setback requirement (44 feet proposed) in an AG/Agricultural District.

The subject parcel is located at 920 Aldino-Stepney Road, Aberdeen, Maryland 21001 and is more particularly identified on Tax Map 51, Grid 2C, Parcel 89, Lot 1. The subject parcel consists of 2.31 acres, is zoned AG/Agricultural and is entirely within the Second Election District.

The Applicant proposes to add a porch 23 feet long by 8 feet wide to the front of his house. The porch, according to the Applicant, will enhance the appearance of the home and provide protection from inclement weather. The existing structure was built on the minimum setback line to reduce forest clearing and accommodate the septic reserve area. The existing home is surrounded by forest. The proposed porch will encroach the front yard setback by 3 feet (47 feet required, 44 proposed). The Applicant does not believe the approval of the porch would result in any adverse impacts to neighboring properties. He pointed out that a number of homes in the area have similar front porches.

There were no protestants who appeared in opposition to the request.

Case No. 5085 – Mr. & Mrs. Parry Jones

CONCLUSION:

Section 267-34C, Table II requires a 47 foot front yard setback. Section 267-23C(1)(a)[2] provides:

“Exceptions and modifications to minimum yard requirements.

(1) Encroachment.

(a) The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

[2] Bay windows, balconies, chimneys or porches: three (3) feet.”

Section 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.

(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

Based on the testimony of the Applicant and the facts reported by the Department of Planning and Zoning, the Hearing Examiner finds that the subject parcel is topographically unique in that it was, at the time of construction, entirely forested. In attempting to preserve forest area, the Applicant’s home was placed on the minimum setback line. The request to encroach 3 feet into that setback is minor in nature and is occasioned only as a result of the environmental consideration given to the entire parcel during construction. The Hearing Examiner cannot envision this minor encroachment creating any adverse impact on any neighboring properties nor will the purposes of the zoning code be materially impaired.

The Hearing Examiner recommends approval of the Applicant’s request, conditioned upon the Applicants obtaining any and all necessary permits and inspections.

Date **NOVEMBER 17, 2000**

William F. Casey
Zoning Hearing Examiner